

May 4, 2005
Case No.: AUS920010643US1 (9000/54)
Serial No : 10/042,503
Filed: January 9, 2002
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REMARKS/DISCUSSION OF ISSUES

A. Claims 1-18 were rejected under 35 U.S.C. §102(e) as anticipated by Lee

The §102(e) rejection of claims 1-18 is traversed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Brus V. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1989). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990).

Claims 1, 9, and 11 have been amended to include the limitation "the log statement including a retention level indicator." As Lee does not disclose such an element, claims 1, 9, and 11, as well as the claims depending therefrom, are allowable over Lee.

Withdrawal of the rejections to claims 1-18 is requested.

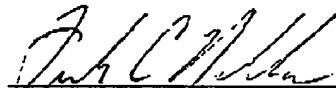
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SUMMARY

The Applicant respectfully submits that claims 1-18 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully Submitted
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